

SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F.N.J. NOS. 24451-24550

Adulteration, Section 402(a) (1), the article contained an added poisonous or deleterious substance which may have rendered it injurious to health; Section 402(a) (2), the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408(a); Section 402(a) (3), the article consisted in part of a filthy or decomposed substance, or it was otherwise unfit for food; Section 402(a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; Section 402(b) (1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402(b) (2), a substance had been substituted wholly or in part for the article; Section 402(b) (4), a substance had been added to the article or mixed or packed therewith so as to increase its bulk or weight or reduce its quality; and Section 408(a), a poisonous or deleterious pesticide chemical, or a pesticide chemical which is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety of pesticide chemicals, as safe for use, had been added to a raw agricultural commodity; and no tolerance or exemption from the requirement of a tolerance for such pesticide chemical in or on the raw agricultural commodity had been prescribed by the Secretary of Health, Education, and Welfare; or, the quantity of the pesticide chemical on the article was not within the limits of the tolerance prescribed by the regulations.

Misbranding, Section 403(a), the labeling of the article was false and misleading; Section 403(e), the article was in package form, and it failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and/or (2) an accurate statement of the quantity of contents; Section 403(g) (2), the article purported to be and was represented as a food for which a definition and standard of identity has been prescribed by regulations, and the label failed to bear the name of the food specified in such standard; Section 403(h) (1), the article purported to be and was represented as a food for which a standard of quality has been prescribed by regulations, and its quality fell below such standard; Section 403(i) (1), the article was not subject to the provisions of Section 403(g), and its label failed to bear the common or usual name of the food; Section 403(i) (2), the article was not subject to the provisions of Section 403(g) and was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient; and Section 403(j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information as the Secretary has determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to its value for such uses.

CEREALS AND CEREAL PRODUCTS

CORNMEAL*

24451. Cornmeal. (F.D.C. No. 41191. S. Nos. 67-709 M, 78-650 M.)

INFORMATION FILED: 6-2-58, E. Dist. Okla., against Boerstler Bros., a partnership, Henryetta, Okla., and Lee Boerstler and C. Ross Boerstler, partners.

*See also No. 24487.

ALLEGED VIOLATION: Between 10-10-57 and 12-12-57, the defendants caused quantities of cornmeal, while held for sale after shipment in interstate commerce, to be placed in a building accessible to rodents and to be exposed to contamination by rodents, which acts resulted in the article being adulterated.

CHARGE: 402(a)(3)—contained rodent urine and rodent excreta pellets; and 402(a)(4)—held under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 6-24-58. Each defendant fined \$50.

24452. Cornmeal. (F.D.C. No. 41355. S. No. 16-662 P.)

QUANTITY: 116 bales, 25 2-lb. bags each, at Cincinnati, Ohio, in possession of Albers Super Markets, Div. Colonial Stores, Inc.

SHIPPED: Between 10-24-57 and 12-19-57, from Newport, Ky.

LIBELED: 1-17-58, S. Dist. Ohio.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 2-19-58. Default—consumption by animals.

24453. Cornmeal. (F.D.C. No. 41268. S. No. 67-709 M.)

QUANTITY: 75 25-lb. bags at Henryetta, Okla., in possession of Boerstler Wholesale Grocery.

SHIPPED: 11-11-57, from St. Joseph, Mo.

LIBELED: 1-7-58, E. Dist. Okla.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 1-31-58. Default—destruction.

24454. Cornmeal and dried Great Northern beans. (F.D.C. Nos. 40715, 40716. S. Nos. 44-358/9 M.)

QUANTITY: 63 25-lb. bags of cornmeal and 40 100-lb. bags of dried Great Northern beans at Batesville, Ark., in possession of Sims Grocer Co.

SHIPPED: Between 5-13-57 and 7-26-57, from St. Joseph, Mo., and Morrill, Nebr.

LIBELED: 8-30-57, E. Dist. Ark.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 11-19-57. Default—destruction.

FLOUR *

24455. Pancake flour and buckwheat cake mix. (F.D.C. No. 40154. S. Nos. 63-259 M, 65-397/8 M.)

INFORMATION FILED: 7-29-57, W. Dist. Pa., against Timlin, Inc., Timblin and New Bethlehem, Pa., and Russell T. Snyder, manager of the corporation's Timblin, Pa., mill.

SHIPPED: Between 12-5-56 and 1-24-57, from Pennsylvania to New York and Ohio.

*See also No. 24487.